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November 25, 2003

Thomas A. O'Rourke  
Bodner & O'Rourke  
425 Broadhollow RD  
Melville, NY 11747

In re application of:

Lorrence H. Greene  
Serial No.: 09/846,687

DECISION ON PETITION

Filed: May 1, 2001

For: METHOD AND VACCINE FOR THE PREVENTION OF AIDS

This is a decision on the petition received on October 31, 2003, to withdraw the holding of abandonment in the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. 1.113 in timely manner to the Notice of Missing Parts of Application mailed July 6, 2001. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned September 7, 2001.

On October 31, 2003, the office received a communication from the attorney of record. Enclosed was an acknowledgement that the attorney responded to the Notice of Missing Parts on January 17, 2002.

The evidence submitted is sufficient to establish that the petitioners responded to the Notice of Missing Parts on January 17, 2002, with 3 months of extensions.

The petition is hereby Granted.

The application has been completed for release to Technology Center 1646.

The office regrets any inconvenience this may have caused the client.

Telephone inquiries concerning this matter may be directed to Doshie E. Day (703) 308-3640.

Doshie E. Day  
Program Management Assistant  
Office Initial Patent Examination

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

APPLICANT: Lorrence H. Green

OFFICE OF PETITIONS

SERIAL NO.: 09/846,687



FILED: May 1, 2001

FOR: Method and Vaccine for the Prevention of AIDS

GAU: 1646

Attention: Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW THE NOTICE OF ABANDONMENT**

**Applicant Made a Timely Reply To The Notice To File Missing Parts**

The Applicant timely mailed a Notice to File Missing Parts Issued on July 6, 2001 on December 6, 2001. Included in this response was a:

1. Check in the amount of \$937 to cover the filing fee and extension of time.
2. A copy of the "Notice to File Missing Parts of Application – Filing Date Granted."
3. Declaration and Power of Attorney of Inventor
4. Request for Extension of Time.
5. Sequence Listing

Applicant paid the \$937 check for application 09/846,687 on December 6, 2001 with

Office Action Response to the correspondence mailed on December 6, 2001. Applicant also never received a Notice of Abandonment by the PTO. However, the check was presented for payment on January 25, 2002, see attached. Thus, the PTO received the Response including the filing fee and the Missing Parts. The fee was accompanied by a Transmittal and a Certificate of Mailing dated December 6, 2001 which serves as sufficient evidence under 37 CFR § 1.8(b) to demonstrate that the required fees were paid and any failure to respond was unintentional.

**Conclusion**

For the foregoing reasons Applicant asserts that there was a timely filed Response to the Notice to File Missing Parts and requests the Application 09/846,687 be revived.

Respectfully submitted,



Thomas A. O'Rourke  
Reg. No. 27,665  
Bodner & O'Rourke  
425 Broadhollow Road  
Melville, New York 11747  
(631) 423-2700

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

Date of Deposit: October 29, 2003  
Print Name: Thomas A. O'Rourke  
Signature: Thomas A. O'Rourke

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Lorraine H. Green

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SERIAL NO.: 09/846,687

OFFICE OF PETITIONS

FILED: May 1, 2001

FOR: Method and Vaccine for the Prevention of AIDS

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CHANGE OF ADDRESS

Please address all correspondence in the above identified application as follows:

Thomas A. O'Rourke  
BODNER & O'ROURKE, L.L.P.  
425 Broadhollow Road  
Melville, New York 11747  
Tel No. (631) 249-7500  
Fax No. (631)249-4508

Respectfully submitted,



Thomas A. O'Rourke  
Reg. No.: 27,665



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